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Attorney for Defendants IRWIN INDUSTRIAL TOOL COMPANY, INC.
and THE HOME DEPOT, INC. and Third-Party Plaintiff BERNZOMATIC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

ANDREW SHALABY, an individual, and SONIA
DUNN-RUIZ an individual,

Plaintiffs,
vs.

IRWIN INDUSTRIAL TOOL COMPANY, THE
HOME DEPOT, INC., and DOES 2 through 100,
inclusive,

Defendants.

BERNZOMATIC,

Third Party Plaintiff,
vs.

WESTERN INDUSTRIES, INC.,
WORTHINGTON INDUSTRIES, AND ROES 2
through 100, inclusive,

Third Party Defendants.

Case No.: 07-CV-2107 W BLM

**JOINT EX PARTE APPLICATION
TO CONTINUE MANDATORY
SETTLEMENT CONFERENCE;
DECLARATION OF SHELLEY G.
HURWITZ**

Judge: Thomas J. Whelan
Magistrate Judge:

Mandatory Settlement Conf: Sept. 3, 2008
Pretrial Conference: January 12, 2009

**[FILED IN COMPLIANCE WITH
LOCAL RULE 26.1]**

JOINT EX PARTE APPLICATION

Plaintiffs ANDREW SHALABY, an individual, and SONIA DUNN-RUIZ an individual, defendants IRWIN INDUSTRIAL TOOL COMPANY, INC., and THE HOME DEPOT, INC., third-party plaintiff BERNZOMATIC, and third-party defendants WESTERN INDUSTRIES, INC. and WORTHINGTON INDUSTRIES (collectively, "the Parties"), hereby stipulate as follows and move the court ex parte for an order continuing the Mandatory Settlement Conference set in this matter:

1. The parties enter into this stipulation and jointly move the Court to continue the date currently set for the Mandatory Settlement Conference. The parties are not requesting a continuance of any other dates.

2. This case was initially assigned to Magistrate Judge Louisa S. Porter. A Mandatory Settlement Conference was scheduled for July 21, 2008. All parties and their counsel were prepared to appear for the Mandatory Settlement Conference on July 21, 2008.

3. Judge Porter subsequently recused herself. On July 14, 2008, this case was transferred to Magistrate Judge Barbara L. Major. As part of that transfer, the Mandatory Settlement Conference scheduled for July 21, 2008 was vacated.


4. On July 22, 2008, the Court issued an order rescheduling the Mandatory Settlement Conference for September 3, 2008 before Judge Major.

5. Previous to the recusal of Judge Porter, the parties had worked diligently to schedule and arrange the depositions of the experts in this matter. All parties agreed to depose defendant's liability experts in Boston on September 3 and September 4, 2008. All counsel will be attending the depositions in Boston on September 3, 2008.

6. As such, the parties and counsel respectfully request that the Mandatory Settlement Conference be continued to September 22 or September 24, 2008.

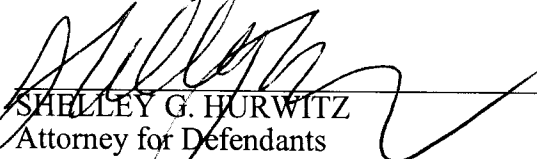
1 Dated: July 29, 2008

ALBORG VEILUVA & EPSTEIN

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3  *by SGT authorized
give
7/29/08*
4 MARK D. EPSTEIN
5 Attorney for Plaintiffs
6 ANDREW SHALABY and SONIA DUNN-RUIZ

7 Dated: July 29, 2008

HOLLAND & KNIGHT LLP

8 
9 SHELLEY G. HURWITZ
10 Attorney for Defendants
11 IRWIN INDUSTRIAL TOOL COMPANY, INC.
12 and THE HOME DEPOT, INC. and Third-Party
13 Plaintiff BERNZOMATIC


14 Dated: July __, 2008

BOWLES & Verna

15 *See attached*
16 RICHARD ERGO
17 Attorney for Third-Party Defendants
18 WORTHINGTON INDUSTRIES

19 Dated: July 29, 2008

MCCORMICK BARSTOW SHEPPARD WAYTE
& CARRUTH

20  *by SGT authorized
7/28/08*
21 LOWELL T. CARRUTH
22 Attorney for Third-Party Defendant Western
23 Industries
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1 Dated: July__, 2008

ALBORG VEILUVA & EPSTEIN

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4 MARK D. EPSTEIN
Attorney for Plaintiffs
5 ANDREW SHALABY and SONIA DUNN-RUIZ

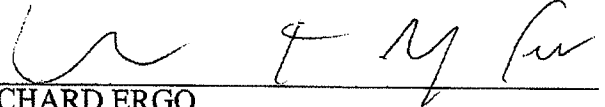
6 Dated: July__, 2008

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8 SHELLEY G. HURWITZ
9 Attorney for Defendants
10 IRWIN INDUSTRIAL TOOL COMPANY, INC.
and THE HOME DEPOT, INC. and Third-Party
11 Plaintiff BERNZOMATIC

12 Dated: July²⁸__, 2008

BOWLES & Verna

13 
14 RICHARD ERGO
15 Attorney for Third-Party Defendants
16 WORTHINGTON INDUSTRIES

17 Dated: July__, 2008

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20 LOWELL T. CARRUTH
21 Attorney for Third-Party Defendant Western
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